

have been left with more than 85,000 qualified voters, or well above the average.

In his filibuster, he said 17 of the 27 multi-county districts are given in the new law fewer than the average of 60,000 voters—thus the Beaumont, Orange, Galveston and eight others, are above the average.

Senator Culp Krueger's district, which now has 32,000 qualified voters, is raised to 42,000 in the bill; but it and Senator Neveille Colson's district both remain below 45,000 voters.

Sen. Fuller, at the close of his second decennial fight for a one-county district, declared "this all gets back to the old issue of country boys against city boys." He and Senators A. R. Schwartz of Galveston and Robert W. Baker of Houston agreed that it will be at least a 10-year fight to bring up city representation to anything like par with the rural areas.

There is authority now to equalize the districts, other than the big cities. The Constitution limits a county, no matter how populous, to one senator.

Thus Senator Baker represents 392,000 qualified voters, and the Legislature can't do anything immediately about giving these voters anything like the equal representation of those in districts of 42,000 to 60,000 voters.

A constitutional amendment would be the only recourse; and under the requirements of getting a two-thirds submission vote by a Legislature that refused a majority vote for thoroughgoing equalization this time, that cannot be expected in the foreseeable future.

One defensive argument was made for the meagre readjustment in the present Senate districting bill—it does not throw any two senators into the same district. The more general House redistricting plan had several such conflict.

Under absolute equalization, Harris County would have five senators; Dallas, three, San Antonio, two or three, and Fort Worth, two. Jefferson and El Paso Counties would become one-county districts. This would mean that the 248 other counties would have 16 or 17 senators, and thus the districts would in most cases be more than doubled in area and number of counties.

The present constitution gives the big cities some additional House members, but limits them far below the number averaging out on state population generally. That is something

else that has only remote possibility of readjustment by constitutional change.

#### Welcome Resolutions

S. R. No. 492—By Senator Aikin: Extending welcome to students and teachers of Detroit High School.

S. R. No. 493—By Senator Moffett: Extending welcome to students and teachers of Guthrie High School.

S. R. No. 494—By Senator Schwartz: Extending welcome to Mr. and Mrs. John Castaneda and nephew.

S. R. No. 495—By Senator Gonzalez: Extending welcome to students, teachers and sponsors of Saint Pius X School.

S. R. No. 496—By Senator Herring: Extending welcome to students and teachers of Coupland Elementary School.

S. R. No. 497—By Senator Herring: Extending welcome to students, teachers and sponsors of Round Rock Elementary School.

S. R. No. 498—By Senator Gonzalez: Extending welcome to students, teachers and sponsors of Espada Mission School of San Antonio.

S. R. No. 499—By Senator Aikin: Extending welcome to students, superintendent and teacher of senior class of West Lamar.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:46 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

#### SIXTY-SEVENTH DAY

(Thursday, May 18, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Fuller
Baker	Gonzalez
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Hudson
Dies	Kazen

Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Schwartz
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Patman	Willis
Ratliff	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O Lord, in these hours of difficult decisions, teach us that 'The way of a fool is right in his own eyes; but he who hearkenth unto counsel is wise.' Give us minds and hearts to receive Thy counsel; and help us find and follow Thy will and way for this Senate through Jesus Christ our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with and the Journal approved.

#### Senate Resolution 501

Senator Willis offered the following resolution:

Whereas, The Moslah Temple of Fort Worth, Texas, of the Ancient Arabic Order of the Nobles of the Mystic Shrine of North America distinguished themselves at the annual Shrine Convention in Galveston, Texas, on May 11th, 12th and 13th, 1961, by the horse-mounted unit winning first place for the third consecutive year, thereby giving said mounted unit permanent possession of a championship flag; and

Whereas, The Motor Patrol of the said Moslah Temple Shrine of Fort Worth, Texas, distinguished itself by winning first place at the 1961 Shrine Convention; and

Whereas, Other units of the Moslah Temple Shrine of Fort Worth, Texas, distinguished themselves at said Convention; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body does hereby go on public record in congratulation of the Moslah Temple Shrine of Fort Worth, Texas, for the outstanding showing made in competition with other Shrine units in this great state; and, be it further

Resolved, That the Secretary of the

Senate cause a copy of this Resolution to be mailed to the Potentate, Dr. A. Ward Hicks, of the Moslah Temple Shrine of Fort Worth, Texas.

The resolution was read and was adopted.

#### House Bill 334 on Third Reading

Senator Lane asked unanimous consent to suspend the regular order of business and take up H. B. No. 334 for consideration at this time.

There was objection.

Senator Lane then moved to suspend the regular order of business and take up H. B. No. 334 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Secrest
Hazlewood	Smith
Hudson	Weinert

#### Nays—9

Gonzalez	Patman
Herring	Rogers
Kazen	Schwartz
Krueger	Willis
Martin	

The President laid before the Senate on its third reading and final passage:

H. B. No. 334, A bill to be entitled "An Act providing additional revenue for the support of State Government, etc., and declaring an emergency."

The bill was read the third time.

The Senate by unanimous consent agreed that a vote on the final passage of H. B. No. 334 would be taken at 11:45 o'clock a.m. today.

Question on the final passage of H. B. No. 334, yeas and nays were demanded.

H. B. No. 334 was finally passed by the following vote:

## Yeas—19

Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Hudson	Smith
Lane	Weinert
Moffett	

## Nays—12

Aikin	Krueger
Colson	Martin
Crump	Patman
Gonzalez	Rogers
Herring	Schwartz
Kazen	Willis

## Reports of Standing Committees

Senator Lane submitted the following report:

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. H. B. No. 7 was read the first time.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 249, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 471, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

LANE, Chairman.

### Conference Committee Report on Senate Bill 100

Senator Owen submitted the following Conference Committee Report on S. B. No. 100:

Austin, Texas,  
May 16, 1961.

Honorable Ben Ramsey, President of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives, on S. B. No. 100, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

OWEN  
REAGAN  
KAZEN  
BAKER  
CALHOUN

On the part of the Senate.

WATSON  
CORY  
COOK  
SANDAHN

On the part of the House.

S. B. No. 100,

### A BILL

### TO BE ENTITLED

An Act to amend certain Sections of Chapter 315, page 517, being Senate Bill No. 176, Acts of 1945, 49th Legislature, as amended by Chapter 369, page 621, being Senate Bill No. 273, Acts of 1951, 52nd Legislature, known as the Public Accountancy Act of 1945, and codified as Article 41a, Vernon's Annotated Civil Statutes of 1925, as amended which Act and Sections thereof herein amended relate to the regulation and licensing of persons to practice public accountancy in this state; repealing all laws in conflict therewith, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Amend Section 2 of Senate Bill 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by

striking out all of said Section 2, and substituting in lieu thereof the following:

"Section 2. (a) The term 'Board' when used in this Act means the 'Texas State Board of Public Accountancy.'

"(b) The term 'person' when used in this Act shall, unless the context indicates otherwise, mean individuals, partnerships and corporations.

"(c) The term 'state' when used herein includes any state, territory or insular possession of the United States, or the District of Columbia."

Sec. 2. Amend Section 3 of Senate Bill 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 3 and substituting in lieu thereof the following:

"Section 3. (a) Nothing contained in this Act shall be construed as applying to restrict any official act of any County Auditor, or other officer of the state, county, municipality, quasi-municipality, or other political subdivision thereof, or any officer of a Federal department or agency, or of their assistants, deputies or employees while working in their official capacities.

"(b) Nothing contained in this Act shall prohibit any person not a certified public accountant or public accountant from serving as an employee of a certified public accountant or public accountant or partnership composed of certified public accountants and/or public accountants holding a permit to practice issued by the Texas State Board of Public Accountancy; provided, however, that such employee shall not issue any accounting or financial statements over his name.

"(c) Nothing contained in this Act shall prohibit a certified public accountant or a registered public accountant of another state, or any accountant who holds a certificate, degree or license in a foreign country, constituting a recognized qualification for the practice of public accountancy in such country, from temporarily practicing in this state on professional business incident to his regular practice outside this state; provided, that such temporary practice is conducted in conformity with the laws of Texas and the regulations and rules of professional conduct promulgated by the Board."

Sec. 3. Amend Section 4 of the

Public Accountancy Act of 1945, Acts of the 49th Legislature, Chapter 315, page 517, as amended by Acts of the 52nd Regular Session, Chapter 369, page 621, and as amended by the 56th Regular Session of the Legislature, Chapter 493, page 1082, House Bill No. 597, by adding thereto a new Section to be known as Section 4 (a) and to read as follows:

"Section 4. (a) A Board member, who has served as a member for six (6) consecutive years, shall not be eligible for reappointment until a lapse of two (2) years shall have occurred between the end of the term of his last prior appointment and the beginning of the new term of a new appointment."

Sec. 4. Amend Section 8 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, as amended by Senate Bill No. 273, Chapter 369, page 621, Acts of 1951, 52nd Legislature, by striking out all of Section 8 and substituting in lieu thereof the following:

"Section 8. (a) No person shall assume or use the title or designation 'certified public accountant,' or the abbreviation 'C.P.A.' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under Section 12 or Section 13 of this or prior Acts, holds a permit issued under Section 9 of this Act which is not revoked or suspended (hereinafter referred to as a 'live permit'), and all of such person's offices in this state for the practice of public accounting are maintained and registered as required under Section 10 of this Act; provided, however, that an accountant of another state or foreign country who has registered under the provisions of Section 14 of the Public Accountancy Act of 1945, and who holds a live permit issued under Section 9 of this Act, may use the title under which he is generally known in his state or country, followed by the name of the state or country from which he received his certificate, license or degree.

"(b) No partnership shall assume or use the title or designation 'certified public accountant' or the abbreviation 'C.P.A.' or any other title, designation, words, letters, abbreviation, sign, card or device tending to indi-

cate that such partnership is composed of certified public accountants unless such partnership is registered as a partnership of certified public accountants under Section 17 of the Public Accountancy Act of 1945, holds a live permit issued under Section 9 of this Act and all of such partnership's offices in this state for the practice of public accounting are maintained and registered as required under Section 10 hereof.

"(c) No person shall assume or use the title or designation 'public accountant' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant, unless such person is registered as a public accountant under Section 11 or Section 13 of the Public Accountancy Act of 1945, holds a live permit issued under Section 9 of this Act and all of such person's offices in this state for the practice of public accounting are maintained and registered as required under Section 10 hereof, or unless such person has received a certificate as a certified public accountant under Section 12 or Section 13 of this or prior Acts, holds a live permit issued under Section 9 of this Act and all of such person's offices in this state for the practice of public accounting are maintained and registered as required under Section 10 hereof.

"(d) No partnership shall assume or use the title or designation 'public accountants' or any other title, designation words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of public accountants unless such partnership is registered as a partnership of public accountants under Section 19 of the Public Accountancy Act of 1945, or as a partnership of certified public accountants under Section 17 of the Public Accountancy Act of 1945, and holds a live permit issued under Section 9 of this Act and all of such partnership's offices in this state for the practice of public accounting are maintained and registered as required under Section 10 hereof.

"(e) No person shall assume or use the title or designation 'certified accountant,' 'chartered accountant,' 'enrolled accountant,' 'licensed accountant,' or any other title or designation likely to be confused with 'certified public accountant' or 'public account-

ant,' or any of the abbreviations, 'CA,' 'PA,' 'EA,' 'RA,' or 'LA,' or similar abbreviations likely to be confused with 'CPA'; provided, however, that only a person holding a live permit issued under Section 9 of this Act and all of whose offices in this state for the practice of public accounting are maintained and registered as required under Section 10 hereof may hold himself out to the public as an 'accountant' or 'auditor' or combinations of said terms; and provided further, that a foreign accountant registered under Section 14 of the Public Accountancy Act of 1945, who holds a live permit issued under Section 9 of this Act and all of whose offices in this state for the practice of public accounting are maintained and registered as required under Section 10 hereof, may use the title under which he is generally known in his state or country, followed by the name of the state or country from which he received his certificate, license or degree.

"(f) No corporation shall assume or use the title or designation 'certified public accountant,' or 'public accountant'; nor shall any corporation assume or use the title or designation 'certified accountant,' 'chartered accountant,' 'enrolled accountant,' 'licensed accountant,' 'registered accountant,' or any other title or designation likely to be confused with 'certified public accountant' or 'public accountant,' or any of the abbreviations 'CPA,' 'PA,' 'EA,' 'RA,' or 'LA,' or similar abbreviations likely to be confused with 'CPA.' If a corporation was registered under Section 10 of the Public Accountancy Act of 1945, prior to November 1, 1945, and holds a live permit under Section 9 hereof, it may use the same designations applicable to certified public accountants or public accountants hereinabove set out.

"(g) No person shall sign or affix his name or any trade or assumed name used by him in his profession or business, with any wording indicating that he is an accountant or auditor or with any wording indicating that he has expert knowledge in accounting or auditing, to any accounting or financial statement, or to any opinion on, report on or certificate to any accounting or financial statement, unless he has complied with the applicable provisions of this Act; provided, however, that the provisions

of this subsection shall not prohibit any officer, employee, partner, or principal of any organization from affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title or office which he holds in said organization, nor shall the provisions of this Subsection prohibit any act of a public official or public employee in the performance of his duties as such.

"(h) No person shall assume or use the title or designation 'certified public accountant' or 'public accountant' in conjunction with names indicating or implying that there is a partnership or in conjunction with the designation 'and Company,' or 'and Co.,' or a similar designation if, in any such case, there is in fact no bona fide partnership registered under Section 17 or 19 of the Public Accountancy Act of 1945; provided that a partnership lawfully using such title or designation in conjunction with such names or designation on the effective date of this Act, may continue to do so if it otherwise complies with the provisions of this Act."

Sec. 5. Amend Section 9 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section and substituting in lieu thereof the following:

"Section 9. Permits shall be issued by the Board to the following upon the payment of fees hereinafter specified:

"(a) Holders of the certificate of 'Certified Public Accountant' issued under this or any prior Acts.

"(b) Such persons as are registered with the Board under the provisions of Section 10 of this Act.

"(c) Such persons as are registered with the Board under the provisions of Section 14 of the Public Accountancy Act of 1945.

"There shall be paid to the secretary-treasurer of the Board by all persons referred to in Subsections (a), (b) and (c) hereof an annual permit fee not to exceed Ten Dollars (\$10.00). All permits shall expire on the 31st day of December of each year, but shall, annually, be renewed for a period of one (1) year, upon the payment of a fee of not more than Ten Dollars (\$10.00), the Board being hereby given the authority and duty to determine the amount of such renewal fee for each coming year on

or before December 1 of each year, and to mail notices thereon each year by that date.

"Failure of any permit holder to pay the annual permit renewal fee on or before January 31 of each year shall automatically cancel his permit. Any permit holder whose permit shall have been canceled because of failure to pay the annual permit renewal fee may secure reinstatement of his permit at any time within that calendar year upon payment of the delinquent fee together with a penalty of Five Dollars (\$5.00). After expiration of the calendar year for which the permit fee was not paid, no permit shall be reinstated except upon application and examination satisfactory to the Board. The Board shall have no authority to waive the collection of any fee or penalty."

Sec. 6. Amend Section 10 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 10 and substituting in lieu thereof the following:

"Section 10. The following persons shall be registered with the Board for the practice of public accountancy in this state:

"(a) All individuals and public accountants qualified or who may qualify under Section 11 of the Public Accountancy Act of 1945.

"(b) Partnerships qualified under Sections 17 or 19 of the Public Accountancy Act of 1945, as amended. The name or designation under which any partnership may be registered shall contain the personal name or names of one or more individuals presently or previously members thereof, and shall not contain any descriptive words indicating character or grade of service offered.

"(c) Corporations qualified under Section 21 of the Public Accountancy Act of 1945. Provided, however, that no corporation may hereafter be created for the purpose of engaging in the practice of public accountancy within this state after the effective date of this Act. No corporate charters or corporate permits shall be renewed one year after the effective date of this Act.

"(d) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or partnership of certified public accountants, or by a public accountant,

or a partnership of public accountants, or by one registered under Section 14 shall be registered under this Act with the Board, but no fee shall be charged for such registration. Each such office shall be under the direct supervision of a resident manager who may be either a principal or a staff employee holding a permit issued by the Board which is in full force and effect; provided that the title or designation 'certified public accountant' or the abbreviation 'C.P.A.' shall not be used in connection with such office unless such resident manager is the holder of a certificate as a certified public accountant and a permit issued by the Board, both of which are in full force and effect. Such resident manager may serve in such capacity only in one office at the same time. The Board shall by regulation prescribe the procedure to be followed in effecting such registrations.

"All applicants for registration shall furnish satisfactory evidence that the applicant is entitled to registration. The Board shall have power to examine such applications and may refuse registration to any applicant who is unable to meet the standards imposed by this Act."

Sec. 7. Amend Section 12 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 12 and substituting in lieu thereof the following:

"Section 12. The certificate of a 'Certified Public Accountant' shall be granted by the Board to any person:

"(a) Who is a citizen of the United States or has duly declared his intention of becoming such citizen; and

"(b) Who is a resident of the State of Texas, or has a place of business therein, or, as an employee, is regularly employed therein, and provided that any person who shall have qualified to take the examination for the certificate in this state, and who, while so qualified shall have received credit for all or any part thereof, shall remain qualified under this Subsection until he receives his certificate; and

"(c) Who has attained the age of twenty-one (21) years; and

"(d) Who is of good moral character; and

"(e) Who meets the requirements of education and experience as hereinafter provided:

"(1) During the three (3) year

period immediately following the effective date of this Act the educational requirement shall be: (a) satisfactory completion of two (2) years of study at one (1) or more colleges or universities, recognized by the Board; or (b) graduation from a junior college, recognized by the Board, or such education as the Board determines to be substantially the equivalent thereof; and the experience requirements shall be four (4) years of accounting experience, satisfactory to the Board, as a certified public accountant in any state, or as a public accountant registered or entitled to register under Sections 11 or 13 hereof, or in public practice under the guidance of such a certified public accountant or public accountant, or in an activity comparable thereto, or in any combination of such types of experience, in work of a nonroutine accounting nature, which continually requires independent thought and judgment on important accounting matters; or such education and experience requirements may be those set out in (2), (3), or (4) below:

"(2) During the second three (3) year period following the effective date of this Act, the educational requirement shall be either (a) that specified in (1) above and, in addition, satisfactory completion of what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration; and the experience requirement shall be three (3) years of the experience described in (1) above; or (b) graduation from an accredited high school, plus two (2) years of study of accounting or related subjects in one (1) or more colleges or universities, recognized by the Board, plus six (6) years of experience under the supervision of a Certified Public Accountant in work described in (1) above, in which event such Certified Public Accountant or Certified Public Accountants, if the applicant has been employed by more than one (1), shall certify to the Board that the applicant has, during such six (6) year period, had the experience described in (1) above.

"(3) After the expiration of six (6) years from the effective date of this Act, the educational requirement shall be either (a) a baccalaureate degree conferred by a college or university recognized by the Board, with

a major in accounting, or with a non-accounting major, supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration; and the experience requirement shall be two (2) years of the experience described in (1) above; or (b) graduation from an accredited high school, plus two (2) years of study of accounting or related subjects in one (1) or more colleges or universities, recognized by the Board, plus six (6) years of experience under the supervision of a Certified Public Accountant in work described in (1) above, in which event such Certified Public Accountant or Certified Public Accountants, if the applicant has been employed by more than one (1), shall certify to the Board that the applicant has, during such six (6) year period, had the experience described in (1) above.

"(4) At any time after the effective date of this Act the experience requirement shall be only one (1) year of the experience described in (1) above for any candidate holding a Masters Degree with a major in accounting or business administration from a college or university recognized by the Board, or holding a professional degree in accounting designated other than a Master's Degree but judged by the Board to be equivalent to that degree and to be at an appropriate professional level, if he has satisfactorily completed such number of semester hours in accounting, business administration and economics, and such related subjects as the Board shall determine to be appropriate; and

"(f) who shall have passed a written examination in theory of accounts, in accounting practice, in auditing, in commercial law as affecting public accounting, and in such other related subjects as the Board shall determine to be appropriate. A grade of at least seventy-five per cent (75%) on each subject shall be required as a passing grade.

"Any candidate who meets the educational requirements under Subsections (1), (2), (3), or (4) of (e) above, and who is duly enrolled as an attorney in the Supreme Court of Texas and has complied with the provisions of the State Bar Act and is a member of the State Bar in good standing, shall be given credit for commercial law without taking the

written examination on commercial law.

"The Board may by written regulations provide for granting credit to a candidate for his satisfactory completion of a written examination at one sitting in any two (2) or more of the subjects specified in (f) above given by the licensing authority in any other state; provided, that when he took such examination in such other state he was not a resident of Texas, had no place of business in Texas, nor, as an employee, was he regularly employed in Texas. Such regulations shall include such requirements as the Board shall determine to be appropriate in order that any examination approved as a basis for any such credit, shall, in the judgment of the Board, be at least as thorough as that included in the most recent examination given by the Board at the time of the granting of such credit.

"None of the educational requirements specified in (1), (2), or (3) of (e) above shall apply to a candidate who is registered as a public accountant under Section 11 of the Public Accountancy Act of 1945, as amended.

"A candidate who has met the educational requirements but has not met the experience requirements provided for herein, shall be eligible to take the examination in all subjects except accounting practice without waiting until he meets the experience requirements, or a candidate who has met the educational requirements as specified in (3) (a) of (e) above shall be eligible to take the entire examination without waiting until he meets the experience requirements, provided that in either case he also meets the requirements of (a), (b), and (d) above of this Section.

"A candidate for the certificate of certified public accountant who has successfully completed the examination under (f) above, shall have no status as a certified public accountant, unless and until he has met all of the requirements, has the requisite experience, and has received notice of his certificate as a certified public accountant.

"The holder of a certificate heretofore issued under the provisions of Chapter 122 of the Acts of the 34th Legislature, or under subsequent Acts, shall not be required to secure a new certificate as a certified public accountant under this Act.



"The applicable educational and experience requirements under Subsections (1), (2) or (3) of (e) of this Section shall be those in effect on the date of his application for the examination or re-examination by which the candidate successfully completes his examination under (f) above. With reference to any candidate who has passed at least one (1) subject under any prior Act, the applicable educational and experience requirements shall be those in effect immediately prior to the effective date of this Act.

"Any person who, at the effective date of this Act, has entered a program to meet the education and experience requirements of the Public Accountancy Act of 1945 as in force immediately prior to the effective date of the amendments by this Act, shall file with the Board within 180 days after the effective date of this Act, a written declaration thereof, and submit such proof thereof as the Board may require. After the filing of such declaration and proof, under rules and regulations prescribed by the Board, said person shall be allowed the time reasonably required to complete his program to meet the education and experience requirements in force immediately prior to the effective date of this Act, but not more than four (4) years after the effective date of this Act, and on completion of such requirements, if otherwise qualified to take the examination, he shall be permitted to make his application and take the examination under such education and experience requirements.

"Every person who has met the requirements of (a), (b), (c), (d), (e), and (f) of this Section and is ready to receive his certificate as a 'Certified Public Accountant,' shall, before receiving such certificate, take an oath that he will support the Constitution of the United States and of this state, and the laws thereof, and will comply with the rules of professional conduct promulgated under the Public Accountancy Act of 1945 as amended. This oath shall be administered by a member of the Board or by such other person as may be authorized by law to administer oaths."

Sec. 8. Amend Section 13 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 13 and substituting in lieu thereof the following:

"Section 13. (a) The Board may

in its discretion waive the examination of, and may issue a certificate as 'Certified Public Accountant' to any person possessing the other qualifications mentioned in Section 12 of this Act who is the holder of a certificate as Certified Public Accountant issued under the laws of any state or territory (or the equivalent thereof issued in any foreign country), provided the requirements for such certificate in the state or territory (or foreign country) which has granted it to the applicant were, in the opinion of the Board, at least equivalent to those required in this state at the time the applicant's original certificate was issued. The Board shall charge for the issuance of such a certificate as a 'Certified Public Accountant,' under this Section a fee of not more than Fifty Dollars (\$50.00).

"(b) Any person holding a permit under the laws of any state or territory to practice public accountancy, if such state or territory, in the opinion of the Board, has standards equal to those required by this state, shall be granted a permit by the Board if such state or territory admits public accountants of this state to practice in such state or territory; provided, however, no such permit shall be granted by the Board unless such person had made application for a permit to practice public accountancy to the licensing board of his own state not later than November 1, 1947. For such permits as are authorized by this Section the Board shall charge the same annual permit fees and reinstatement fees as are charged all other persons to whom annual permits are issued by the Board."

Sec. 9. Amend Section 15 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, as amended by Chapter 369, page 61, Acts of 1951, 52nd Legislature, by striking out all of said Section 15 and substituting in lieu thereof the following:

"Section 15. All examinations provided for under the Public Accountancy Act of 1945, as amended, shall be conducted by the Board. The examination for the certificate of 'Certified Public Accountant' shall take place as often as the Board deems necessary, but not less frequently than once each year. The time and place of holding examinations shall be duly advertised for not less than

three (3) days in three (3) daily newspapers published, one (1) in each of three (3) principal cities in Texas, beginning not less than thirty (30) days prior to the date of each examination.

"A candidate, who fails, shall have the right to apply for an additional examination, subject to the satisfaction of the Board that he continues to meet requirements of (a), (b), and (d) of Section 12 of this Act, and the following additional requirements: (1) if a candidate fails to score a grade of fifty per cent (50%) on any subject in an examination, the Board shall refuse to admit him to write that subject in the next succeeding examination; and (2) if a candidate has made application to write the examination at a session and he fails to submit a paper on any subject for which he is eligible at that session, the Board shall score a grade of less than fifty per cent (50%) for the candidate in that subject. Except for the foregoing requirements, a candidate, who has taken the examination under this Act or any prior Act, shall have the right to any number of reexaminations. The additional requirements specified in (1) and (2) of this paragraph shall not apply to a candidate who is registered as a public accountant under Section 11 of the Public Accountancy Act of 1945, as amended.

"Any candidate who, at the time of filing his application to take the examination, or reexamination, provided for herein, had, prior to the effective date of this Act, passed one (1) or more subjects under any prior Act, or who shall, after the effective date of this Act, pass in a single examination two (2) or more subjects, or who is registered as a public accountant under Section 11 of the Public Accountancy Act of 1945, as amended, and who shall pass one (1) or more subjects after the effective date of this Act, shall have the right, subject to the approval of his application for reexamination under the provisions of the preceding paragraph, to be reexamined in the remaining subjects only, at subsequent examinations held by the Board, may receive credit for one (1) or more subjects in any subsequent examination, and when he shall have received credit for all subjects, he shall then be considered to have passed the examination.

"The Board shall charge for the first examination of a candidate for

certification as a 'Certified Public Accountant' a fee of not more than Fifty Dollars (\$50.00), which shall be payable by the applicant at the time of making the initial application. For each subsequent examination, or reexamination, the fee shall not exceed for each subject for which he is eligible: Twenty Dollars (\$20.00) for accounting practice, and Ten Dollars (\$10.00) for each of theory of accounts, auditing and commercial law, which shall be payable by the applicant at the time of making the application for the subsequent examination or reexamination. Where the applicant fails to be present for the examination and shows to the Board satisfactory reason for such failure, the Board may, in its discretion, refund any fee so paid, and relieve the candidate of the penalty in the second paragraph of this Section relating to the grade of less than fifty per cent (50%).

"All fees provided for herein shall be paid to the secretary-treasurer of the Board.

"It is further provided, that any applicant who has failed any such examination or examinations shall have a right to demand a copy, certified by the Board, of the questions and the answers thereto made by him upon any such examination, with the grade clearly shown, together with a copy of solutions to such questions; and the Board shall forthwith comply with such demand by delivering by registered mail to such applicant a true copy of the questions and his answers thereto, certified by the Board, together with a copy of solutions to such questions, and the Board may charge such applicant a reasonable fee therefor; and such application by the candidate shall be made within six (6) months after the grades are mailed to said candidate, and not thereafter."

Sec. 10. Amend Section 16 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 16 and substituting in lieu thereof the following:

"Section 16, Any person who has received from the Board a certificate of Certified Public Accountant and holds a valid permit to practice, shall be styled and known as a 'Certified Public Accountant' and may also use the abbreviation 'C.P.A.'"

Sec. 11. Amend Section 18 of Senate Bill No. 176, Chapter 315, page

517, Acts of 1945, 49th Legislature, by striking out all of said Section 18 and substituting in lieu thereof the following:

"Section 18. Any individual qualified under this Act to register with the Board for the practice of public accountancy and who has so registered, and who holds a valid permit for the practice of public accountancy, may be styled and known as a 'public accountant'."

Sec. 12. Section 20 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, is hereby repealed.

Sec. 13. Amend Section 22 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 22 and substituting in lieu thereof the following:

"Section 22. (a) After notice and hearing as provided in Section 23 of this Act, the Board may revoke or may suspend for a period not to exceed five (5) years, any certificate issued under Sections 12 or 13 of this or any prior Acts, or any registration granted under Sections 10 or 14 of this or any prior Acts, or may revoke, suspend or refuse to renew any permit issued under Sections 9 or 13 of this Act, or may reprimand the holder of any such permit for any one or more of the following causes:

"(1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under this or any prior Acts, or in obtaining a permit to practice public accounting under this Act.

"(2) Dishonesty, fraud or gross negligence in the practice of public accounting.

"(3) Violation of any of the provisions of Section 8 of the Public Accountancy Act of 1945, as amended by this Act.

"(4) Violation of a rule of professional conduct promulgated by the Board under the authority granted by law.

"(5) Conviction of a felony under the laws of any state or of the United States.

"(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.

"(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant or a public accountant by any other state, for any cause other

than failure to pay an annual registration fee in such other states.

"(8) Suspension or revocation of the right to practice before any state or federal agency, for a cause which, in the opinion of the Board, warrants its action.

"(9) Failure to become a citizen of the United States within six (6) years by any person not a citizen of the United States when he or she received a certificate as certified public accountant or registered as a public accountant under this or any prior Acts, said six (6) year period to begin on the effective date of this Act or the date of granting a certificate or an initial permit, whichever date occurs last.

"(10) Failure of a certificate holder or registrant to obtain an annual permit under Section 9 of the Public Accountancy Act of 1945, as herein amended, within either (a) three (3) years from the expiration date of the permit to practice last obtained or renewed by said certificate holder or registrant, or (b) three (3) years from the date upon which the certificate holder or registrant was granted his certificate or registration, if no permit was ever issued to him, unless such failure shall be excused by the Board pursuant to the provisions of said Section 9.

"(11) Conduct discreditable to the public accounting profession.

"(b) After notice and hearing as provided in Section 23 of the Public Accountancy Act of 1945, as herein amended, the Board shall revoke the registration and permit to practice of a partnership, if at any time it does not have all the qualifications prescribed by the Section of this Act under which it qualified for registration.

"After notice and hearing as provided in said Section 23, the Board may revoke or suspend the registration of a partnership or may revoke, suspend or refuse to renew its permit under Section 9 to practice or may reprimand the holder of any such permit for any of the causes enumerated in part (a) of this Section, or for any of the following additional causes:

"(1) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner.

"(2) The cancellation, revocation, suspension or refusal to renew the authority of the partnership or any part-

ner thereof to practice public accounting in any other state for any cause other than failure to pay annual registration fee in such other state."

Sec. 14. Amend Section 23 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 23 and substituting in lieu thereof the following:

"Section 23. (a) The Board may initiate proceedings under this Act either on its own motion or on the complaint of any person.

"(b) A written notice stating the nature of the charge or charges against the accused and the time and place of the hearing before the Board on such charges shall be served on the accused, not less than twenty (20) days prior to the date of said hearing, either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the Board.

"(c) At any hearing the accused may appear in person and by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses, and examine such evidence as may be produced against him. The accused shall be entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his behalf.

"(d) The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs and receive exhibits in evidence in connection with or upon hearing under this Act. In case of disobedience to a subpoena the Board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"(e) If, after having been served with the notice of hearing as provided for herein, the accused fails to appear at said hearing the Board may proceed to hear evidence against him and may enter such order as shall be justified by the evidence and a copy of such order shall be mailed by registered mail to the last known address of the accused. The Board is hereby authorized to grant continuances upon written request and, upon a showing of good cause for failure to appear at such hearing, set out in writing, signed by the accused and filed with the Board, the Board may re-

open said proceedings and permit the accused to submit evidence in his behalf, provided further, that said written request to reopen is filed with the Board within twenty (20) days after a copy of said order has been mailed to the accused.

"(f) A stenographic record of the hearings shall be kept and, if deemed necessary by the Board, a transcript thereof shall be prepared and filed with the Board.

"(g) At all hearings the Attorney General of this state, or one of his assistants, or such other legal counsel as may be employed, shall appear and represent the Board.

"(h) The decision of the Board shall be by majority vote thereof.

"(i) Any person, firm or corporation adversely affected by any order, rule or decision of the Board may file a petition in the District Court of the county of his residence in Texas, or by a nonresident of Texas in the District Court of Travis County, Texas, setting forth the particular objection to such decision, rule or order, against the Texas State Board of Public Accountancy as defendant, such petition to be filed within thirty (30) days after the date a copy of such order is sent by registered mail to such person, firm or corporation. Service of citation may be had by leaving a copy thereof at the office of the Board in Austin, Travis County, Texas. The case shall be tried as other civil cases. The cause shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the justice court to the county court. Either party to said action may appeal to the appellate court having jurisdiction of said cause. The Board shall not be required to give any appeal bond in any cause arising hereunder. Neither the Texas State Board of Public Accountancy nor any member thereof shall be liable to any person, firm or corporation charged or investigated by said Board, for any damages incident to such investigation, or any complaint, charge, prosecution, proceeding or trial.

"(j) Upon application in writing and after hearing pursuant to notice, the Board may issue a new certificate to a certified public accountant whose certificate shall have been revoked, or may permit the reregistration of anyone whose registration has been revoked, or may reissue or modify

the suspension of any permit to practice public accounting which has been revoked or suspended."

Sec. 15. Amend Section 24 of Senate Bill No. 176, Chapter 315, page 517, Acts of 1945, 49th Legislature, by striking out all of said Section 24 and substituting in lieu thereof the following:

"Section 24. (a) Whenever in the judgment of the Board any person who is not the holder of a valid and existing permit to practice public accountancy in this state has engaged in any act or practices which constitute the practice of public accountancy within this state, the Board may apply to the District Court of the county in which such person resides or has an office, for an injunction enjoining such person from engaging in the practice of public accountancy, and in such cases the Board shall not be required to give bond as a condition precedent to the issuance of such injunctive relief.

"(b) Any person who violates any provision of the Public Accountancy Act of 1945, as amended, or of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment in county jail for not less than ten (10) days and not more than one (1) year or by both such fine and imprisonment, and each violation shall constitute a separate offense. Any complaints filed under the provisions of this Section shall be filed in the county where the offense occurred."

Sec. 16. If any Section or any part of this Act shall be held to be invalid, such invalidity shall not affect the remaining portions thereof, it being the express intention of the Legislature to enact such Act without respect to such Section or part so held to be invalid.

Sec. 17. Article 1302, Section 59, Revised Civil Statutes of Texas, is hereby expressly repealed as well as all laws or parts of laws in conflict with this Act are hereby expressly repealed.

Sec. 18. The importance of this legislation in order to clarify some of the existing laws pertaining to the practice of public accountancy in the State of Texas and because the practice of public accountancy is affected with a public interest, create an emergency,

and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Question on the adoption of the Conference Committee Report on S. B. No. 100, yeas and nays were demanded.

The Conference Committee Report was adopted by the following vote:

#### Yeas—25

Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Lane	Willis
Moffett	

#### Nays—6

Aikin	Krueger
Colson	Martin
Dies	Rogers

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 771, Amending Section 193 of Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended, relating to assessments and filing fees in certain primary elections, to provide for certain filing fees in Special Elections for the offices of United States Senator and United States Representative, and declaring an emergency.

H. C. R. No. 76, Providing for the appointment of a Joint Legislative Committee on Tax Law Revision.

H. C. R. No. 106, Providing for suspension of the Joint Rules to allow either House to consider House Bill No. 98 at any time.

H. C. R. No. 104, Granting approval to the Board of Directors of the Agricultural and Mechanical College of Texas to make necessary improvements for the Texas Forest Service.

H. C. R. No. 98, Requesting the Texas Commission on Higher Education to make a special study of the over-all needs of the State in the field of public higher education.

H. C. R. No. 96, Requesting the Texas Legislative Council to make a study of the needs of Texas courts.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Committee Substitute  
House Bill 7 Recommitted**

Senator Krueger moved that C. S. H. B. No. 7 be recommitted to the Committee on State Affairs.

Senator Hardeman moved to table the motion to recommit C. S. H. B. No. 7 to the Committee on State Affairs.

Question on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

**Yeas—12**

Baker	Ratliff
Hardeman	Reagan
Hazlewood	Schwartz
Kazen	Secrest
Lane	Weinert
Parkhouse	Willis

**Nays—18**

Aikin	Krueger
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Fuller	Patman
Gonzalez	Roberts
Herring	Rogers
Hudson	Smith

**Present—Not Voting**

**Dies**

Question recurring on the motion to recommit, the motion prevailed.

**Record of Votes**

Senators Baker, Hardeman, Parkhouse, Reagan, Ratliff and Lane asked to be recorded as voting "Nay" on the motion to recommit C. S. H. B. No. 7.

**Senate Bill 214 with House Amendments**

Senator Hardeman called S. B. No. 214 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed.

**Record of Vote**

Senator Baker asked to be recorded as voting "Nay" on the motion to concur in the House amendments to S. B. No. 214.

**Bills and Resolutions Signed**

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 1051, A bill to be entitled "An Act amending Section 102 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the 102nd District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency."

H. B. No. 1052, A bill to be entitled "An Act amending Section 5 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the Fifth District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act amending Section 1, Chapter 269, Acts of the 51st Legislature, Regular Session, 1949, so as to empower all incorporated cities having a population in excess of Three Hundred and Eighty Thousand (380,000), according to the last preceding or any future United States Census, to provide for the establishment of corporation courts of a number not to exceed one (1) for each Fifty Thousand

(50,000) inhabitants; and declaring an emergency."

H. B. No. 384, A bill to be entitled "An Act validating all proceedings in connection with city tax bonds heretofore favorably voted for the purpose of constructing, improving and extending the waterworks and sewage system of such city including the acquisition of property necessary therefor; authorizing the issuance and delivery of such bonds; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act providing for the compensation of the official shorthand reporter of the 115th Judicial District of Texas; providing the manner of payment; and declaring an emergency."

H. B. No. 454, A bill to be entitled "An Act changing the name of the Burnet County Water Control and Improvement District No. 1 to the Bertram Water Control and Improvement District, No. 1; providing that such change of name shall in no way invalidate the outstanding bonds of said district; changing the number and terms of the Directors thereof and of the San Gabriel River Water Control and Improvement District, No. 1; and declaring an emergency."

H. B. No. 979, A bill to be entitled "An Act limiting the provisions of this Act to Trinity County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said County at any time, to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any freshwater fish or other aquatic life in public waters of said County by any means or methods; prescribing the legislative policy with respect to the wildlife resources in said County; conferring upon the Game and Fish Commission; etc.; and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act relating to commercial fishing in certain counties; amending Section 2 of Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended, by removing Angelina County from the list of counties in which commercial fishing is illegal; and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act relating to the taking, possession and transporting of minnows in certain counties; amending Chapter 121, Acts of the 48th Legislature, 1943, to permit the taking, possessing, and transporting of not more than two thousand (2,000) minnows in any one day in Trinity County; and declaring an emergency."

H. B. No. 1019, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporter for the District Court of the One Hundred Twelfth District of Texas; fixing maximum and minimum salary to be paid; etc.; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Article 7897, Revised Civil Statutes of Texas, 1925, to provide alternate days to hold the election of certain water district officials in the event of certain holidays; and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 14 of said Article; exempting from consideration in determining need earned income of recipients of aid to the blind within limitations and restrictions as herein provided; providing a repealing clause; a saving clause; and declaring an emergency."

H. B. No. 871, A bill to be entitled "An Act abolishing office of county superintendent in counties of more than 64,800 persons and less than 69,000 persons according to last preceding Federal Census; repealing Chapter 62, Acts of the 51st Legislature, Regular Session, 1949 (compiled as Article 2688c, Vernon's Annotated Civil Statutes) as last amended; delegating duties of county superintendent to county judge; providing for severability; and declaring an emergency."

H. B. No. 491, A bill to be entitled "An Act amending Article 3.01 of the

Insurance Code of Texas, Acts of 1951, 57th Legislature, Page 868, Chapter 491, as amended by redefining the term 'net assets' and providing for certain data processing systems to be considered as admitted assets of a life insurance company; providing for severability of the different parts of said Article so that the constitutionality of one or more shall not affect the remainder of the Act, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 802, A bill to be entitled "An Act making it unlawful to hunt, take, or kill, or attempt to hunt, take, or kill deer in Howard County until the general open season in 1965; providing penalties; and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act to amend Section 6 of Chapter 283, Page 424, Acts of the 40th Legislature, Regular Session, 1927, as last amended by Section 1 of Chapter 287, Page 732, Acts of the 53rd Legislature, Regular Session, 1953 (compiled as Article 1011f of Vernon's Texas Civil Statutes), relating to Municipal Zoning Commissions, to provide that the Legislative body of a city or town may hold joint public hearings with the Zoning Commission; and declaring an emergency."

H. B. No. 445, A bill to be entitled "An Act amending Section 6 of Chapter 370, Acts of the 55th Legislature, Regular Session, 1957, to provide that deer tags bear the date and place of kill of the deer to which attached; and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act amending Section 3 of Acts of 1925, 39th Legislature, page 7, Chapter 5, same being Section 3 of Article 8263h of Vernon's Texas Civil Statutes, changing the composition of the Navigation Board in navigation districts which include a city or cities or parts thereof acting under special charter granted by the legislature and in which the City Council or City Board of Commissioners exceeds in number the County Commissioners' Court; providing for severability; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act to amend Article 6.08 of Chapter 6 of the Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491, as amended by the Acts of the 1955, 54th Legislature, page

413, Chapter 117, Section 20) to regulate the holding of real estate by fire and marine insurance companies by adding thereto a new paragraph designated as paragraph 5 of said Article 6.08 permitting fire and marine insurance companies to hold mineral and royalty interests reserved upon the sale of land acquired under foreclosure of loans contracted or for money due or which shall have been conveyed to it in satisfaction of debts; etc.; and declaring an emergency."

H. B. No. 805, A bill to be entitled "An Act to require any person, association of persons, corporate or other, who obtains vehicles for purposes of salvage or scrap to place into the custody of municipal police authorities or county sheriffs all vehicle license plates attached to such vehicles; and declaring an emergency."

H. B. No. 1061, A bill to be entitled "An Act enlarging and extending Fort Bend County Water Control and Improvement District No. 2 and defining the boundaries thereof as enlarged; finding a benefit and public use; providing for calling and holding an assumption of indebtedness election or elections; validating governmental proceedings and acts; etc.; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act amending Chapter 467, House Bill No. 477, Acts, Second Called Session, 44th Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to provide for the issuance of Agents' and Employees' Licenses to certain agents, representatives, and employees of manufacturers and distributors; fixing authority under such licenses; providing a penalty for violations of the Texas Liquor Control Act by the holders of such licenses; fixing a fee for such licenses and fixing a period during which they shall be valid; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 616, A bill to be entitled "An Act providing that no changes in boundaries of independent school districts having 16,500 scholastics or more and being located in counties having a population of 149,000 or more, according to the last preceding



Federal census, shall be made unless previously approved by the board of trustees or board of education thereof; enacting other provisions relating thereto; and declaring an emergency."

H. B. No. 628, A bill to be entitled "An Act applicable to any home rule city having a charter which provides that its bonds shall be advertised for sale after the bonds have been authorized and issued; providing that the governing body of such city shall advertise its bonds for sale and receive bids therefor before passage of the ordinances authorizing the issuance of the bonds; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act relating to size limits upon fish taken from the Laguna Madre within the Counties of Cameron, Kenedy, and Willacy; amending Chapter 80, Acts of the Fifty-fourth Legislature, Regular Session, 1955, to make the act applicable to all waters within said counties; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act amending Article 3.16 of Chapter 3 of the Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491, as amended by the Acts of the 1957, 55th Legislature, Chapter 344, Section 2, relating to deposits of securities or lawful money of the United States or conveyance of real estate in trust in an amount equal to the legal reserve of all of the outstanding policies in force of any life insurance company; etc.; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act amending Article 8120, Revised Civil Statutes of Texas, 1925, as amended, by providing increased compensation for Commissioners of Drainage Districts in all counties having a population of not less than seventy-five thousand (75,000) and not more than ninety thousand (90,000) according to the last preceding Federal Census, and having an assessed valuation for county tax purposes of Two Hundred Forty-five Million Dollars (\$245,000,000) or more, providing such districts lie wholly within one (1) county; and declaring an emergency."

H. B. No. 1083, Granting Game and Fish Commission regulatory authority over wildlife resources of

Kendall County; etc.; and declaring an emergency.

S. B. No. 96, A bill to be entitled "An Act amending Section 1 of Chapter 387, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 3.62-1, Insurance Code, Vernon's Texas Civil Statutes, so as to include State-wide mutual assessment companies as being subject to penalties for delay in payment of losses on policies; and declaring an emergency."

S. B. No. 414, A bill to be entitled "An Act authorizing counties to acquire a supply of fresh water for the courthouse and other county purposes and providing for the acquisition of such treatment and distribution facilities as may be required; providing the circumstances under which such counties may sell water not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of such project; providing that such bonds shall be secured by a pledge of the net revenues from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; etc.; and declaring an emergency."

S. C. R. No. 35, Requesting Texas Legislative Council to survey and study utilization of classrooms in state-supported institutions of higher education.

S. C. R. No. 62, Providing Joint Session to hear the Honorable John B. Connally at 11:45 o'clock a.m. on May 22, 1961.

#### Senate Concurrent Resolution 67

Senator Willis offered the following resolution:

S. C. R. No. 67, Recalling S. B. No. 294 from the Governor's office for further Consideration.

Whereas, Senate Bill No. 294 has passed the House and the Senate and is now in the Governor's Office; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Governor be requested to return Senate Bill No. 294 to the Senate for further consideration.

The resolution was read.

On motion of Senator Willis and by unanimous consent the resolution was considered immediately and was adopted.

**Recess**

On motion of Senator Martin the Senate at 12:37 o'clock p.m. took recess until 2:30 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:30 o'clock p.m. today.

**Leave of Absence**

Senator Roberts was granted leave of absence for the remainder of the day on account of illness on motion of Senator Patman.

**Reports of Standing Committees**

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 852, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 397, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 64, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 57, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 65, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 951, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 232, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to which was referred H. B. No. 892, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 1067, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 373, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 502, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 324, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 731, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 712, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute adopted in lieu thereof do pass and be printed.

HARDEMAN, Chairman.

C. S. H. B. No. 712 was read the first time.

#### Senate Resolution 503

Senator Calhoun offered the following resolution:

Whereas, The Senate has been honored in recent days with the presence of William Farrier Owen, son of our distinguished colleague, Senator Frank Owen, III, from El Paso, Texas; and

Whereas, This bright and lively young man has, for six years, brought pride and joy to his parents. His friendly personality and good looks have made for him a warm place in the hearts of the Members of the Senate, where he is recognized as an enjoyable visitor;

Whereas, The Senate would be delighted to have William Farrier Owen, better known as "Bill," serve as a page in the Senate; now, therefore, be it

Resolved, That William Farrier (Bill) Owen be designated an "honorary page" for the Senate of the 57th Legislature.

CALHOUN  
CREIGHTON  
SMITH

The resolution was read and was adopted.

#### Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
May 18, 1961.

To the Senate of the Fifty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Turnpike Authority, for six-year terms to expire February 15, 1967: R. L. Thornton of Dallas, Dallas County; Don Looney of Fort Worth, Tarrant County.

Respectfully submitted,  
PRICE DANIEL,  
Governor of Texas

#### Senate Concurrent Resolution 68

Senator Patman offered the following resolution:

S. C. R. No. 68, Authorizing Enrolling Clerk to make certain corrections in House Bill No. 761.

Be It Resolved: By the Senate, the House of Representatives concurring, that the Enrolling and Engrossing Clerk of the House be directed to change the word "services" to "salary" in the Senate amendment adopted to H. B. 761, same being of corrective nature only.

The resolution was read.

On motion of Senator Patman and by unanimous consent the resolution was considered immediately and was adopted.

(Senator Martin in the Chair.)

#### Senate Bill 418 with House Amendments

Senator Aikin called S. B. No. 418 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Absent

Gonzalez                      Weinert

Absent—Excused

Roberts

#### Senate Bill 255 with House Amendments

Senator Willis called S. B. No. 255 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—2

Colson                      Hardeman

Absent

Gonzalez

Weinert

**Senate Bill 435 with House Amendments**

Senator Willis called S. B. No. 435 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed.

**Conference Committee Report on House Bill 482**

Senator Schwartz submitted the following Conference Committee Report on H. B. No. 482:

May 16, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and the House of Representatives on H. B. 482, have met and had same under consideration, and beg leave to report back with the recommendation that H. B. 482 do pass in the form and text hereto attached.

SCHWARTZ  
CALHOUN  
MOORE  
ROGERS  
PARKHOUSE

On the part of the Senate

CURINGTON  
NUGENT  
GIBBENS  
HOLLOWELL  
COLLIN

On the part of the House

H. B. No. 482,

**A BILL  
TO BE ENTITLED**

An Act validating the incorporation of all cities and towns of four thousand five hundred (4,500) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general laws

of Texas; validating the boundary lines thereof; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or annexation; providing for severability; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. All cities and towns in Texas of four thousand five hundred (4,500) inhabitants or less, according to the last preceding Federal Census, heretofore incorporated or attempted to be incorporated under any of the terms and provisions of the general laws of the State of Texas, whether under the aldermanic or commission form of government, and which are now functioning or attempting to function as incorporated cities or towns, are hereby in all respects validated as of the date of such incorporation, or attempted incorporation; and the incorporation of such cities and towns shall not be held invalid by reason of the fact that the election proceedings or other incorporation proceedings may not have been in accordance with law, or by reason of a failure to properly define the limits of such city or town.

Section 2. The areas and boundary lines of all such cities and towns affected by this Act, including both the boundary lines covered by the original incorporation proceedings and by any subsequent extension thereof are in all things validated and the incorporation of such cities and towns or any subsequent extension of the corporate limits of such cities and towns shall not be held invalid because of the inclusion in such limits of more territory than is expressly authorized in Article 971 of the Revised Civil Statutes of the State of Texas of 1925, or by reason of the inclusion in the corporate area of territory other than that which is intended to be used for strictly town purposes.

Sec. 3. All governmental proceedings and acts performed by the governing bodies of such cities and towns and all officers thereof since their incorporation, or attempted incorporation, are hereby in all respects validated as of the respective date of such proceedings and acts.

Sec. 4. If any word, phrase, clause, sentence, paragraph or provision of

this Act is declared unconstitutional, it is the intention of the Legislature that the remaining provisions thereof shall be effective, and that such remaining portions shall remain in full force and effect.

Sec. 5. The provisions of this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or extension of boundaries or any of the acts or proceedings hereby validated if such litigation is ultimately determined against the legality thereof.

Sec. 6. The importance of this legislation and the crowded condition of the Calendars in both Houses, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

**Nays—1**

Hardeman

**Absent**

Gonzalez                  Weinert

**Absent—Excused**

Roberts

**House Bill on First Reading**

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 1068, To Committee on State Affairs.

**House Bill 1082 on Second Reading**

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1082, A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), by extending the exemption from registration of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying, without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage etc., and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 1082 by adding a new section thereto, properly numbered, which shall read as follows:

"(a) All farm trailers used to transport liquid fertilizer, and not exceeding a gross weight of ten thousand (10,000) pounds, shall be registered in the same manner as is required of other vehicles used on the highways of this State, and whomsoever as may register said trailer, whether the owner, lessor, or lessee, shall pay a registration fee of Five Dollars (\$5.00) therefor. No trailer shall come within the terms of this Article unless such trailer is used exclusively to haul liquid fertilizer not for hire from the nearest distribution point directly to the farm where the same is to be utilized, nor unless the same has a gross weight of less than ten thousand (10,000) pounds. The term 'gross weight' as used in this section being defined to mean the combined weight of the trailer and the weight of the load actually carried on the highway.

(b) Any such trailer registered under the terms of this provision shall be permanently attached to the chassis, axles and wheels to which it is attached at the time of registration,

and no metal tires shall be used thereon. It shall be unlawful to operate any such trailer at night without red lights or red reflectors permanently attached to each corner of such trailer. There shall be at least two (2) red lights or red reflectors at the rear of any such trailer."

The amendment was read.

Senator Rogers moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—21**

Aikin	Moffett
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Dies	Ratliff
Gonzalez	Rogers
Hardeman	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Martin	

**Nays—6**

Baker	Hazlewood
Crump	Lane
Fuller	Reagan

**Absent**

Hudson	Weinert
Moore	

**Absent—Excused**

Roberts

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 1082, Sec. 1 by inserting between the word "highways" and the words "may operate" line 6 as follows:

"regardless of whether it is a unit in itself or is a unit mounted on a conventional vehicle or chassis."

The amendment was read.

On motion of Senator Rogers the amendment was tabled.

The bill was then passed to third reading.

**House Bill 1082 on Third Reading**

Senator Rogers moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1082 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

**Nays—3**

Fuller	Lane
Hazlewood	

**Absent**

Weinert

**Absent—Excused**

Roberts

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

**Nays—3**

Fuller	Lane
Hazlewood	

**Absent**

Weinert

**Absent—Excused****Roberts****Motion to Place  
House Joint Resolution 40  
on Second Reading**

Senator Herring asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 40 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up H. J. R. No. 40 for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present):

**Yeas—16**

Aikin	Owen
Calhoun	Parkhouse
Colson	Patman
Crump	Reagan
Fuller	Rogers
Gonzalez	Secrest
Herring	Smith
Moffett	Willis

**Nays—11**

Baker	Krueger
Creighton	Lane
Hardeman	Martin
Hazlewood	Ratliff
Hudson	Schwartz
Kazen	

**Absent**

Dies	Weinert
Moore	

**Absent—Excused****Roberts****Conference Committee on  
House Bill 995**

Senator Schwartz called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 995 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the Presiding Officer announced the appointment of the

following Conferees on the bill on the part of the Senate: Senators Schwartz, Baker, Herring, Rogers and Smith.

**Senate Bill 162 with House  
Amendments**

Senator Schwartz called S. B. No. 162 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following Conferees on the part of the Senate on the bill: Senators Schwartz, Baker, Dies, Moore and Rogers.

**House Joint Resolution 25 on  
Second Reading**

Senator Fuller asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 25 for consideration at this time.

There was objection.

Senator Fuller then moved to suspend the regular order of business and take up H. J. R. No. 25 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Moore
Baker	Parkhouse
Calhoun	Patman
Colson	Ratliff
Creighton	Reagan
Fuller	Rogers
Herring	Schwartz
Kazen	Secrest
Lane	Smith
Moffett	Willis

**Nays—6**

Crump	Krueger
Hardeman	Martin
Hudson	Owen



## Absent

Dies Hazlewood  
Gonzalez Weinert

## Absent—Excused

Roberts

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 25, Proposing an amendment to Section 60 of Article III of the Constitution of the State of Texas to authorize all counties and other political subdivisions of this State to provide insurance for all employees; providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof.

The resolution was read and was passed to third reading.

## Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. J. R. No. 25 to third reading.

## Motion to Place House Joint Resolution 25 on Third Reading

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 25 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

## Yeas—19

Aikin	Moffett
Baker	Parkhouse
Calhoun	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Schwartz
Fuller	Secrest
Herring	Smith
Hudson	Willis
Lane	

## Nays—6

Crump	Martin
Hardeman	Owen
Krueger	Rogers

## Absent

Gonzalez Moore  
Hazlewood Weinert  
Kazen

## Absent—Excused

Roberts

## House Concurrent Resolution 104 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 104, Authorizing Board of Directors of Agricultural and Mechanical College to expend funds for buildings and improvements for Texas Forest Service.

The resolution was read and was adopted.

## Record of Vote

Senator Hardeman asked to be recorder as voting "Nay" on the adoption of the above resolution.

## House Bill 345 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 345, A bill to be entitled "An Act authorizing the Commissioners Court in all counties having a population of not less than ninety-five thousand (95,000) and not more than one hundred fifteen thousand (115,000) according to the last preceding Federal census to purchase automobiles to be paid for out of county funds, and to be used by the County Commissioners in the discharge of their official business; and declaring an emergency."

The bill was read the second time and passed to third reading.

## Record of Votes

Senators Hardeman, Martin and Rogers asked to be recorded as voting "Nay" on the passage of H. B. No. 345 to third reading.

**House Bill 345 on Third Reading**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 345 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Lane
Baker	Moffett
Calhoun	Parkhouse
Colson	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

**Nays—5**

Creighton	Owen
Crump	Rogers
Martin	

**Absent**

Dies	Moore
Gonzalez	Weinert

**Absent—Excused**

Roberts

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—14**

Aikin	Parkhouse
Baker	Patman
Colson	Ratliff
Fuller	Reagan
Herring	Schwartz
Lane	Secrest
Moffett	Smith

**Nays—12**

Calhoun	Kazen
Creighton	Krueger
Crump	Martin
Dies	Owen
Hardeman	Rogers
Hudson	Willis

**Absent**

Gonzalez	Moore
Hazlewood	Weinert

**Absent—Excused**

Roberts

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
May 18, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 296, A bill to be entitled "An Act applying to Texas Southern University authorizing the governing board thereof to discontinue the charging and collection of tuition fees for certain time and to charge students certain building-use fees; authorizing the pledge of the income of such building-use fees and the issuance of bonds, warrants, or notes payable therefrom; providing and prescribing certain terms and conditions relating to such bonds, warrants, or notes; authorizing the charging and collection of additional tuition fees under certain conditions; providing that this Act shall be cumulative of other statutes; authorizing the issuance of refunding bonds, warrants, or notes payable from the income of such building-use fees; providing and prescribing certain terms and conditions relating to such refunding bonds, warrants, or notes; prohibiting certain appropriations out of State funds except under stated conditions; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

S. B. No. 468, A bill to be entitled "An Act amending paragraph (c) of Article VII of the Sabine River Compact, Chapter 63, Acts of the Fifty-third Legislature, 1953, as amended by Senate Bill 139, Acts of the Fifty-seventh Legislature, 1961, Regular Session, to correct the date from June 30, 1968, to June 30, 1958; and declaring an emergency."

S. B. No. 416, A bill to be entitled "An Act making a specific appropriation out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay a judgment obtained by B. F. Clark against the State of Texas pursuant to Senate Concurrent Resolution No. 5, Fifty-fifth Legislature, Regular Session, au-

thorizing B. F. Clark to sue the State of Texas for the recovery of damages resulting from the north approach to the high level bridge across the Corpus Christi Ship Channel being constructed and maintained upon a dedicated public park opposite to the Grande Courts then owned by B. F. Clark; and, providing further that the Comptroller of the State of Texas issue a warrant on the State Treasury in favor of B. F. Clark in the sum of said judgment, and to issue a warrant on the State Treasury in favor of Ben A. Ligon, District Clerk of Nueces County, in payment of all costs; and declaring an emergency."

Respectfully submitted,

**DOROTHY HALLMAN**

Chief Clerk, House of Representatives

#### Welcome Resolutions

S. R. No. 500, By Senator Moffett: Extending welcome to students and sponsors of Throckmorton High School.

S. R. No. 502, By Senator Lane: Extending welcome to students and teachers of Joaquin High School.

S. R. No. 504, By Senator Secrest: Extending welcome to students and teachers of Saint Mary's School of Temple.

#### Adjournment

On motion of Senator Hudson the Senate at 4:30 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

#### Record of Vote

Senator Colson asked to be recorded as voting "Nay" on the motion to adjourn.

#### SIXTY-EIGHTH DAY

(Friday, May 19, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Gonzalez
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Krueger
Dies	Lane
Fuller	Martin

Moffett	Roberts
Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Weinert
Reagan	Willis

Absent—Excused

Hudson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, we have all sinned and come short of Thy glory. Forgive us, we pray, and give us grace to forgive those who trespass against us. Create within us clean hearts, and renew a right spirit within us. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Martin.

#### House Bill 1068 Re-referred

On motion of Senator Weinert and by unanimous consent H. B. No. 1068 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### Presentation of Guest

Senator Creighton by unanimous consent presented as a guest of the Senate today the Honorable Grady Woodruff, former Senator, from Decatur.

#### Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,  
May 19, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1068, have had the same under consideration, and we are instructed to report it back to the